

**IN THE SUPERIOR COURT OF THE STATE OF DELAWARE
IN AND FOR NEW CASTLE COUNTY**

STATE OF DELAWARE,)	
)	
Plaintiff,)	
v.)	
)	
LAMOTTE K. JOHNS,)	Cr. ID. No. 1211023691
)	
Defendant.)	
)	

Submitted: February 19, 2016

Decided: March 10, 2016

Upon Commissioner's Report and Recommendation That
Defendant's Motion for Postconviction Relief
Should be Denied

ADOPTED

ORDER

This 10th day of March, 2016, the Court has considered the Commissioner's Report and Recommendation, Defendant's Motion for Postconviction Relief, and the relevant proceedings below.

On July 6, 2015, Defendant Lamotte K. Johns filed this *pro se* motion for postconviction relief. The motion was referred to a Superior Court Commissioner in accordance with 10 *Del. C.* § 512(b) and Superior Court Criminal Rule 62 for proposed findings of fact and conclusions of law. Before making a recommendation, the Commissioner enlarged the record by directing Defendant's

trial counsel to submit an Affidavit responding to Defendant's ineffective assistance of counsel claims. Defendant's trial counsel submitted an Affidavit on October 15, 2015. The State filed its response on December 23, 2015. The Commissioner issued the Report and Recommendation on February 9, 2016. The Commissioner recommended that Defendant's Motion for Postconviction Relief be denied.

"Within ten days after filing of a Commissioner's proposed findings of fact and recommendations . . . any party may serve and file written objections."¹ Neither party has filed an objection.

The Court holds that the Commissioner's Report and Recommendation dated February 9, 2016, should be adopted for the reasons set forth therein. The Commissioner's findings are not clearly erroneous, are not contrary to law, and are not an abuse of discretion.²

THEREFORE, after careful and *de novo* review of the record in this action, the Court hereby adopts the Commissioner's Report and Recommendation in its entirety. Defendant's Motion for Postconviction Relief is hereby **DENIED**.

IT IS SO ORDERED.

/s/ Mary M. Johnston
The Honorable Mary M. Johnston

¹ Super. Ct. Crim. R. 62(a)(5)(ii).

² Super. Ct. Crim. R. 62(a)(4)(iv).